

MAR 17 2006

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTONIO VILLANUEVA,

Defendant - Appellant.

No. 04-10420

D.C. No. CR-03-40010-SBA

MEMORANDUM^{*}

Appeal from the United States District Court
for the Northern District of California
Saundra B. Armstrong, District Judge, Presiding

Submitted March 8, 2006^{**}

Before: CANBY, BEEZER, and KOZINSKI, Circuit Judges.

Antonio Villanueva appeals from the 70-month sentence imposed after his guilty plea to illegal reentry following deportation, in violation of

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

8 U.S.C. § 1326(a). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

The record reflects that the district court would have imposed the same sentence had it been aware that the Sentencing Guidelines were advisory.

See United States v. Ameline, 409 F.3d 1073, 1083 (9th Cir. 2005) (en banc).

AFFIRMED.